

Bermuda  
Ministry of Education

**GENERAL ORDERS**  
**for**  
**TEACHERS**  
**1974**



BERMUDA  
THE MINISTRY OF EDUCATION

OFFICE OF  
THE MINISTER

1st September 1974

*Whereas the Education Rules 1974 set out the legal regulations governing the administration of schools, these General Orders for Teachers establish, in specific terms, regulations governing the behaviour of teachers.*

*The purpose of General Orders for Teachers, 1974, is to enable teachers readily to understand their rights and obligations, and their general conditions of service. Wherever these Orders vary from the terminology of the statute or regulation that governs them, it is necessary to refer to the relevant legislation in order to determine any question at issue. Therefore, these Orders should be read in conjunction with the relevant laws, particularly with the Public Service Commission Regulations, 1968, the Public Service (Delegation of Powers) Regulations, 1968, the Education Act, 1954 (Amended), and the Education Rules, 1974.*

*Amendments may be made from time to time in the form of a Circular from the Ministry, and these should be inserted into this booklet.*

*Gloria J. McPhee*  
Gloria J. McPhee  
Minister

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## ADMINISTRATION OF SCHOOLS

### School Terms.

1. (1) The school year shall be 200 teaching days divided approximately as follows:

Christmas term	- 70 teaching days
Easter term	- 65 teaching days
Summer term	- 65 teaching days

(2) This will be inclusive of Public Holidays falling within term time other than Sundays and of half-term holidays and those cases where special permission is granted. No school shall be required to be kept open on a Public Holiday.

(3) Fixed half-term holidays, amounting to a total of five days in a school year will be arranged by consultation between the Department of Education and Head Teachers annually.

(4) During this period all schools shall be kept open from Monday to Friday inclusive each week, except as provided for above.

(5) The Chief Education Officer may authorise the closing of any school on any special occasion.

(6) The working day for teachers will commence not later than 8.45 a.m. and continue until such reasonable time as may be designated by the Head Teacher.

### Accidents

2. Teachers shall have no authority to inform parents that the Government will be responsible for medical attendance or other expenses which may be incurred as a result of an accident sustained by a pupil.

### Corporal Punishment

3. (1) Corporal Punishment shall not be administered except by the Head Teacher or Acting Head Teacher, or by an assistant teacher in his or her presence.

(2) A girl shall not receive corporal punishment except at the hands of a member of her own sex.

### Inventories

4. Inventories of stores and equipment must be maintained in accordance with procedures detailed in Circular C.118 / 71 of 24th November, 1971.

### School Secretaries

5. Secretarial assistance will be provided for schools in accordance with a schedule approved from time to time by the Minister.

## TEACHERS

### Engagement and Appointment of teachers.

6. (1) Appointments to posts in maintained schools other than those of Head Teachers and Principals are made by the Permanent Secretary by the authority of the Public Service (Delegation of Powers) Regulations, 1968.

(2) Every locally engaged teacher shall receive a letter of appointment and every overseas teacher shall enter into a contract. Such contracts and letters of appointment shall contain provision for the termination thereof by notice of not less than three months to be given by either party provided that in the case of notice being given by the teacher

a) it shall not be such as to result in the termination of the contract or letter of appointment except at the end of any particular term; and



b) in the case of termination to take place after the end of the summer term and before the beginning of the Christmas term, it shall be given not later than 1st January to be confirmed or withdrawn not later than 1st February.

(3) These provisions are without prejudice to any powers exercisable by the Government under any provision of law to terminate a contract without notice for misconduct or inefficiency or to terminate a probationary appointment.

(4) All new appointments will be subject to a probationary period of twelve months.

(5) The Minister may on the recommendation of the Chief Education Officer, when this appears desirable to the Head Teachers and an Education Officer, allow the probationary period to be extended for one further term.

#### **Duties of teachers**

7. (1) A teacher shall be required to perform all reasonable duties connected with the work of the school which may be entrusted to him by the Head Teacher.

(2) The Head Teacher may at any time visit and observe teachers whilst they are engaged in their normal teaching duties in the classroom.

#### **Public speaking and publications**

8. (1) A teacher may

a) make his views known as matters of general interest to the Community, provided that he takes steps to ensure that his statement is attributed to him by name

b) publish, or cause to be published his opinions concerning matters of general educational policy, provided that they deal with matters that may be reasonably regarded as relating to general principle and not to particular details of administration involving criticism of Government, Governmental officials, Head Teachers or other teachers.

c) Contribute to recognised educational journals on methods of teaching and other methods specifically concerned with the tuition of pupils.

(2) A teacher may not act as the editor of any national newspaper, or take part directly in the management thereof or contribute anonymously thereto.

#### **Travel abroad**

9. Non-Bermudian expatriate teachers travelling abroad are required to be in possession of a re-entry permit.

#### **Complaints**

10. (1) Complaints against teachers by parents or others, or complaints by teachers against parents, or others; shall be referred by the complainant in the first instance to the Head Teacher and subsequently, if deemed necessary to the Minister through the Permanent Secretary.

(2) Where such a complaint by or against a teacher is being investigated by a committee appointed by the Minister, the teacher or other person making the complaint shall be required to produce written evidence or witnesses to substantiate his complaint and such witnesses should be prepared for cross-examination by the teacher complained against or other person. In all such investigations the teacher complained against or other person may be accompanied by another person who may speak on his behalf and advise him.

#### **Records of Service**

11. Notification of success in course of study, as well as of changes in marital status, must be forwarded by the teacher to the Chief Education Officer.

## Renewal of contract

12. A teacher engaged from abroad shall, unless his contract otherwise requires, be required to give notice in writing during the first week of the Easter term as to whether he desires to renew his contract for a further period of three years and similar notice during the first week of the Christmas term if his contract terminates at the end of the Christmas or Easter terms.

## Leave

13. (1) If any teacher is absent for more than two days a medical certificate shall be required and a teacher who is absent through illness for less than 2 days may be required to present a medical certificate to the Head Teacher, who shall in turn forward it to the Chief Education Officer. If any such teacher is absent for more than two weeks, further medical certificates must be forwarded each week during the period unless leave of absence for a definite period has been granted.

(2) Sick leave may only be granted on production of a medical certificate. Medical certificates and reports specifying the nature of any incapacity shall be treated as confidential.

(3) Any teacher who is prevented from attending his place of employment because of contact with an infectious disease (such disease being a notifiable disease under the Public Health Act 1949) shall notify the Head Teacher immediately and seek advice from the Government Medical Officer or registered medical practitioner. In the case of contact with other infectious or contagious diseases a teacher should not stay away from duty if he feels well but should report the fact of contact to his Head Teacher.

(4) A teacher entering a hospital or similar institution shall submit a medical certificate on entry and discharge in substitution for periodical certificates.

(5) Provided satisfactory evidence of incapacity of a teacher is provided in accordance with the above, the leave authority shall grant sick leave to that teacher on full pay in accordance with his years of service in Bermuda as follows:

Years of Service	Leave Entitlement
first and second	4 weeks
third and fourth	6 weeks
fifth and later	13 weeks

The Minister has the discretionary power to extend sick leave in cases of serious incapacity.

(6) Entitlement to full pay sick leave in respect of any period of absence due to illness shall be ascertained by deducting from the period of sick leave to which the teacher is entitled on the first day of his absence the aggregate of the period of absence due to illness during the 12 months immediately preceding the first day of absence. In aggregating the periods of absence no account shall be taken of any unpaid absence on sick leave.

(7) Where a public holiday occurs during the absence of a teacher on full pay sick leave, the public holiday shall not reckon against his entitlement.

(8) A teacher who is absent due to injury sustained in the actual discharge of his duty and without his own fault or who is necessarily absent because of contact with infectious disease (such disease being a notifiable disease under the Public Health Act 1949) shall be entitled to full pay sick leave up to the maximum of his entitlement under (6) and (7) above but such sick leave shall not be reckoned against entitlement to future full pay sick leave as calculated under (6) above.

(9) No teacher shall be granted more than an aggregate of eight days uncertified full pay sick leave in any period of an academic year. Head Teachers shall notify the Chief Education Officer of the eighth uncertified absence of a teacher as it occurs. For the purpose of this Regulation a public holiday or other non-working day intervening between two days of uncertified sick absence shall itself be counted as a day of uncertified sick absence. (Note 13)

(10) No full pay sick leave shall be granted in a case of accident due to active participation in sport as a profession, or in a case of injury or illness in which, in the opinion of the Permanent Secretary, based upon medical evidence, the absence arises from or is attributable to a teacher's own misconduct. Such absences shall be regarded as leave without pay.

(11) No full pay sick leave shall be granted to a teacher who suffers injury in circumstances where compensation for loss of earning or permanent disability (as distinct from compensation for pain and inconvenience) may be receivable from a third party. In this event the teacher shall be required to include a claim for loss of earnings equal to the gross salary which he would have been paid if not injured, in any claim for damages he makes and he shall be advanced pay equivalent to that he would have received had full pay sick leave been granted according to his entitlement, on condition of his giving an undertaking in the form below. Any period of absence in such cases where a refund of the monies advanced is made in full, shall not reckon against entitlement to full pay sick leave. Where, however, the refund is made in part only, the Secretary to the Cabinet shall at his discretion decide to what extent, if any the period of absence shall reckon against such entitlement.

**FORM OF UNDERTAKING BY A TEACHER  
INJURED DUE TO THE NEGLIGENCE  
OF A THIRD PARTY.**

IN CONSIDERATION OF The Government of Bermuda advancing to me sums, in accordance with Gen. Orders for Teachers, during my absence from duty due to an accident in which I was involved on the                      day of                      19                      I hereby UNDERTAKE to refund to the said Government of Bermuda, from any damages received, the total amount of the sums so advanced, less such part of that amount as is proportionate to any contributory negligence or fault on my part, or, if my claim is settled by a lump sum in which no specific amount is identifiable as loss of earnings, to refund the advance to the same extent as my total claim is successful, or such other amount as is, in the opinion of the Secretary of the Cabinet, fair and reasonable.

Signed .....

Address .....

Witness .....

Date .....

(12) The Chief Medical Officer shall provide occupational medical supervision and advice in relation to all teacher service employments, and the Permanent Secretary shall consult the Chief Medical Officer about any teacher in respect of whom:

- a) an unusual amount of illness has occurred during a probationary period;
- b) sick leave of 30 days or more has been granted in any 12 months or 20 days or more has been granted in each of two consecutive calendar years;
- c) a medical certificate specifying pulmonary tuberculosis has been issued;
- d) malingering is suspected.

(13) The Chief Medical Officer at the request of the Minister of Education, may require a teacher to submit to a medical examination conducted by him or another Government medical officer or a registered medical practitioner, provided that no fee shall be payable by the teacher in respect of the medical examination unless the teacher concerned refuses to be examined by the Chief Medical Officer or medical officer or practitioner appointed by him in which case the fee of the alternative medical practitioner desired shall be paid by the teacher.

### Maternity Leave

14. A woman teacher who is expecting confinement shall, on application, be granted nine weeks full pay on maternity leave by the Chief Education Officer provided that;

(a) any such teacher shall give the Head Teacher who shall, in turn, advise the Chief Education Officer, five months previous notification of the date of her expected confinement and such notification shall be supported by a medical certificate;

(b) any such teacher shall normally be required not to continue teaching in any school during the period of three months preceding the date specified in the above-mentioned notification, however, upon formal application in writing, supported by the Head Teacher and Chief Education Officer, the Minister may allow the teacher to continue to teach during the period up to two months preceding the anticipated date of confinement.

(c) that period of maternity leave which is unpaid shall not be deemed a part of a teacher's contracted period of service;

(d) no maternity leave on full pay shall be granted unless a teacher has completed at least twelve months continuous full-time service;

(e) payments by the Government during the period of maternity leave shall be made on the understanding that the teacher concerned will return to duty for a period of at least 3 months;

(f) maternity leave shall not be treated as sick leave

(g) absence on account of illness due or attributed to pregnancy outside the period of maternity leave shall be treated as absence on sick leave provided it is covered by a medical certificate. Such absence not covered by a medical certificate shall be treated as leave without pay;

(h) maternity leave shall be paid up to a maximum of 45 days except that total salary received in any one school year shall not exceed the normal annual salary for 200 days. Subject to this information, it shall be computed as follows:-

$$\frac{\text{Teaching days} + 45}{200} + \frac{\text{salary and Personal Allowances}}{200}$$

### Special leave

15. (1) Special leave with or without pay may be granted to teachers by the Chief Education Officer in accordance with policies laid down, and currently in force, by the Minister.

(2) Officers shall be granted special leave with full pay for the purpose of attending training camp as members of the Bermuda Regiment or its Reserve.

(3) A teacher who receives a summons to serve on a jury or to attend a court of law as a



witness shall report this fact to his Head Teacher. Normally, he will be expected to carry out this duty. However, if the Head Teacher feels that the absence of that teacher would seriously disrupt the organisation of the school, he should make a case, in writing, for the granting of an exemption to the Permanent Secretary, who will forward this to the Secretary to the Cabinet. Such applications are not automatically granted. Teachers summoned to serve on a jury or to attend court as a witness shall be granted special leave with full pay.

(4) Officers of the Union may be granted reasonable periods of special leave without pay to attend to Union business abroad and any duly authorised Union representative will be permitted to enter school premises, with due notification to investigate teachers' complaints after school hours.

(5) In extraordinary circumstances an authorised Union representative may leave or enter school premises during school hours with the permission of the Head Teacher concerned. Such permission will not be withdrawn unreasonably. Provided that where official negotiations with Government take place during working hours such leave of absence will be with pay.

#### **Out of school employment**

16. (1) A teacher wishing to engage in gainful employment outside school hours must apply through his Head Teacher who will forward lists of such teachers, with details, for final approval.

(2) A teacher not having Bermuda Status must have Immigration permission.

(3) A teacher granted such permission must be in possession of a letter of confirmation, from the Chief Education Officer.

(4) When considering an application to take up employment out of school, account shall be taken of the nature of the employment as it might affect the teacher's efficiency in the performance of his school duties.

#### **Deductions from Salary Health Insurance & Contributory Pensions Schemes, etc.**

17. Deductions from salary shall be made at the appropriate rate to provide for the following:

- a) contributions under the Contributory Pensions Act, 1970
- b) contributions to the Government Employees Health Insurance Fund
- c) contributions under any Garnishee Order
- d) membership subscription to Trade Unions, Staff Associations, or recognized charities where the principle, rate and circumstances of such deductions have been agreed between the Government and the Trade Union or Staff Association concerned.
- e) rents for official quarters
- f) deductions under 19(3)
- g) deductions under 33(6) - deductions for Government Health Insurance are made monthly in advance.

#### **Department Resource Centre**

18. (1) A library of books pertaining generally and specifically to education, film, film strips and film-loops as well as a collection of the latest catalogues and specimen copies of text-books, is available for the use of teachers.

(2) Books and other materials may be borrowed returned or exchanged between 9.00 a.m. and 5.00 p.m. Mondays to Fridays. No book may be retained for a period of more than three weeks, with the option to renew for a further three weeks.

## **SCALES OF SALARIES FOR HEAD TEACHER AND TEACHERS, RESPECTIVELY**

### **Pay and emoluments**

19. (1) Pay and emoluments for Head Teachers and teachers shall be those provided for in the Scales of Salaries for Head Teachers and teachers respectively as approved from time to time by the Legislature.

(2) No fee shall be payable to any teacher who is requested to give in Court advice or evidence of a technical nature in respect of which by virtue of his appointment and special qualifications be regarded as an expert.

(3) In any case where a payment of salary wages or allowances is made in excess of the rate appropriate in the circumstances then (without prejudice to any other lawful remedy) the Accountant General may withhold from the teacher to whom or for whose benefit the over-payment was made to payment in whole or in part of any sums falling to be paid to that teacher out of public funds until the amount of the payments withheld equals the amount originally overpaid.

(4) Teachers recruited overseas shall be entitled on first appointment to a settlement allowance at the rate from time to time in force.

(5) Advances of salary, will be granted only in very special circumstances with the prior approval of the Secretary to Cabinet and the Minister of Finance and approval will be limited to circumstances of serious illness or unforeseen domestic difficulty where the teacher concerned can show that he could not reasonably have been expected to make prior provision for the expenditure with which he is faced.

(6) No advances of salary shall be made for any purpose unless any advance already made for a similar purpose has been repaid.

(7) Salaries and allowances shall be paid to the teachers entitled to receive them or to such persons as the teachers entitled to receive them may in writing, appoint to be their agents to receive such payments on their behalf.

(8) Payment of salaries due to deceased teachers or teachers under legal disability will be made as provided by the Public Treasury (Administration and Payments) Act, 1969, as from time to time amended.

(9) Salaries and allowances shall ordinarily be payable only in Bermuda.

### **Annual increments and the probationary year**

20. (1) Confidential reports will be rendered annually by the Head Teachers in December or June, whichever is appropriate to the teacher's incremental date and, after scrutiny by the officers of the Department will be submitted for ratification.

(2) In the case of teachers during their first year's service in Bermuda, special and detailed reports will be submitted by the Head Teacher concerned and by the officers of the Department. Such reports will contain a resume of the teacher's career to date, including a list of courses attended as well as a detailed analysis of class management and teaching ability. Teachers will also be warned by their respective Head Teachers of unsatisfactory service as it occurs and in advance of any formal report to the officers of the Department.

20. (3) Teachers will be notified of any adverse report before its submission and will be given a period of fourteen days in which to lodge a protest, which will be heard by a com-

mittee appointed for the purpose and at which the teacher may be accompanied by another person.

#### **Loss of pay and increments**

21. (1) Teachers absenting themselves without leave shall be liable to forfeiture of pay for the period of absence as well as for loss of increment in the subsequent year and may be liable to disciplinary action.

(2) In any case where the Minister confirms the suspension of a teacher, under the provisions of Education Rule 43, the teacher shall refund any pay and allowance received by him in respect of the period of his suspension or such part of them as the Minister may direct.

#### **Uncertificated Teachers**

22. Uncertificated teachers shall be employed in accordance with the provisions of the Education Rules.

#### **Substitute Teachers**

23. Persons appointed as substitute teachers for limited periods will receive pay according to their qualifications but at a daily rate corresponding to the number of days in the school year. Substitute teachers shall receive pay for public holidays falling within term time, but not for days when they are absent for reasons of sickness.

#### **Acting Head Teachers**

24. Teachers appointed to act as Head Teachers for limited periods shall after one week's absence on the part of the substantive holder of the post be eligible for an addition to their pay corresponding to half the difference between their own and the substantive holder's pay including allowances other than long service allowance. After one month's absence on the part of the Head Teacher, the Acting Head Teacher shall be paid at the appropriate rate on the Head Teacher's scale. Teachers appointed to act as Head Teachers for a full school year in the absence of the substantive holder shall be paid at the appropriate rate for Head Teachers.

#### **Graded posts and posts of responsibility**

25. Special non-pensionable allowances may be paid at the Government's discretion.

#### **Teachers relieved of special appointment**

26. (1) A Head Teacher relieved of his appointment through inefficiency shall cease to be eligible for the emoluments associated with the post.

(2) A Head Teacher relieved of his appointment on the grounds of reorganisation and not because of inefficiency shall continue to be paid the salary he was receiving at the time of the reorganisation without benefit of further increments.

(3) A teacher relieved of a post of special responsibility or a graded post for any reason will forfeit the additional emoluments associated with the post, provided that, where a teacher loses such a post on grounds of reorganisation he shall continue to receive the paid emoluments for one further year.

#### **Travelling expenses**

27. (1) A teacher recruited from overseas shall, on first appointment, be entitled to receive passage at Government expense from his country of residence to Bermuda for himself, his wife and children who have not then attained the age of eighteen years or become married.

a) passages paid by Government shall not exceed four adult passages in respect of any one appointment.

- b) passages shall be by the cheapest or most direct route, usually by air, and shall include any necessary journey within the country of residence from home to the place of embarkation for Bermuda.
- c) the teacher shall be required to execute an agreement, in the form specified by the Attorney General to refund the cost of the passages in certain contingencies.

(2) A teacher recruited from overseas shall on first appointment, be entitled to receive the following allowances towards the cost of crating and transporting (but not storing or insuring) his baggage and personal effects from his home to his place of embarkation for Bermuda; from thence to Bermuda and from the place of disembarkation in Bermuda to his destination.

- a) married teachers, actual cost not exceeding \$360
- b) unmarried teachers, actual cost not exceeding \$180.

(3) Teachers will be required to submit vouchers and receipts in support of claims section for the payment of allowances under above and will be required to refund such allowances in certain contingencies, as specified in the contract.

(4) A female teacher shall be eligible for free passage and baggage allowance in accordance with the provisions of (1) and (2) above, provided that:

- a) No married woman shall be granted a paid passage for her husband and
- b) no married woman other than a widow or a woman divorced or legally separated from her husband who is the legal guardian and the sole support of her children shall be granted paid passages for her children.

(5) The Ministry will provide teachers on contract from abroad upon satisfactory completion of the period of service with a return passage or passages to the place from which the teacher was originally engaged in accordance with the provisions of their contract:

- a) provided that a female teacher who is entitled to passage under her own contract and as the dependant of another teacher or Government servant or other person in receipt of emoluments from public funds may elect to exercise rights under her own contract or under that of the person whose dependant she is, but may not enjoy both entitlements.
- b) Passages and baggage allowances shall be granted for the widows and children of contract teachers appointed from abroad who have died during the course of their contract of service.

(6) A teacher on contract from abroad whose contract of service is terminated on the grounds of ill health shall receive a passage entitlement in accordance with the provisions of his contract.

(7) No free passages shall be allowed for the wives of teachers on contract from abroad who have married during the course of their contract of service except if this teacher is granted a further contract, in which case return and onward passages will be granted subject to the limits in (1) above.

#### **Local Travel**

28. (1) There shall be no allowance for travelling expenses within the Colony except when teachers are required to travel from school to school in the course of their duties.



(2) A teacher who is authorised to use his private car for official travelling shall be entitled to be paid a car mileage allowance at the rate of 18c for every mile necessarily travelled in his private car and 6c for motor-cycle or autocycle on official business, provided that;

- a) the journey or class or programme of journeys undertaken shall have been approved beforehand by the Permanent Secretary.
- b) no allowance shall be paid for mileage travelled between a teacher's home and his duty station and, in the event of journeys on official duty starting and / or finishing at a teacher's home, a deduction equivalent to the distance or the return distance, as appropriate, from the teacher's home to his normal duty station shall be made from the mileage travelled for the purpose of computing mileage to qualify for allowance.
- c) No allowance shall be paid in excess of \$865 in any financial year.

(3) No allowance additional to that payable under (2) above shall be paid in respect of any official passenger carried by a teacher using his private car on official duty.

(4) All private vehicles used on official travelling shall be covered by normal comprehensive insurance against damage to or loss of the vehicle, accident to the insured, bodily injury to or death of third parties, including passengers, and damage to the property of third parties.

(5) A Head Teacher who proposes to authorise a teacher to use his private car, motor-cycle on official business shall ask the teacher to confirm that his insurance cover extends to such use and, if necessary, for him to ask the insurers to endorse the insurance policy as follows:

"Personnel employed by or in any Government Department using their private vehicle on official business may receive a mileage allowance for the journey. When the vehicle is being so used we undertake that, subject otherwise to its terms and conditions, the policy covering to constitute use for hire or reward".

(6) A teacher who uses his private car on official business shall arrange with his insurers to indemnify the Crown in the event of a claim being made against the Crown as the insured's employer to the same extent as the teacher is insured under the policy, on the understanding that the insurers are allowed to retain control of the claim.

(7) Teachers in receipt of car mileage allowances shall keep a daily record of their journeys on duty, showing the dates, places visited and actual mileage.

(8) Head Teachers shall be responsible for certifying whether claims for car mileage allowances are properly payable and whether the journeys on which they are based were necessarily undertaken in the public interest.

(9) Claims for the reimbursement of expenses necessarily incurred in travelling on official duty by public transport may be approved by the Head Teacher concerned at his discretion, provided that no such claim shall be admitted for journeys not approved in advance or for journeys between a teacher's home and his duty station and provided that any claim for reimbursement of taxi fares shall be admissible only in exceptional circumstances where the saving of official time is important and no other transport arrangement can be made.

(10) Claims for payment of local travelling allowance shall be submitted monthly to the Accountant General, within seven days of the end of the month in which the expenditure was incurred, together with a certificate from the Head Teacher concerned. Claims not submitted within three months will be disallowed unless there is a valid reason for the delay.

## **Housing and incidental matters.**

29. The following deals with the assistance afforded to teachers in finding housing accommodation and in meeting their initial expenses, and the terms on which Government housing generally may be made available to public officers.

### **Assistance to teachers appointed from abroad.**

(1) Except as specifically provided elsewhere in these Rules, no teacher is entitled as of right to be provided with residential accommodation.

(2) The Director of Public Works and / or the Department of Education shall assist as far as possible teachers on first appointment to find suitable residential accommodation for themselves and their families.

(3) The Ministry of Education shall be responsible for informing the Director of Public Works of the date of arrival of such a teacher, of his grade, and post, and to give details of his family and accommodation needs.

(4) In assisting teachers on first appointment, the Director of Public Works may depending on the availability of such accommodation allocate to these teachers:

- a) furnishing or unfurnished Government housing or;
- b) private housing of which the Government has secured a tenancy.

(5) The Director of Public Works may make such payment as deposit or initial payment of rent as may be required to secure private housing accommodation for expatriate teachers on first appointment.

(6) In any case where the rent of accommodation secured for a teacher is less than 30% of his salary, he shall take over the tenancy on arrival and shall, within one month reimburse the amount of any deposit paid in advance on his behalf.

(7) In any case where the rent of accommodation secured for a teacher is more than 30% of his salary, the payment of such rent by the Director of Public Works shall be subject to the approval of the Minister of Organisation.

(8) A teacher occupying accommodation under the provisions contained in (7) shall make alternative accommodation at a rent which does not exceed 30 % of his salary.

(9) The provisions applicable in (7) shall be operative on first arrival only and shall cease to have effect after the first eighteen months service, provided, however that the provisions may be extended for a further six months period at half of the subsidy, subject to the approval of the Minister of Organisation.

### **Private Property**

30. (1) Money or other personal property found on official premises, whether by a teacher or a member of the public, shall be handed to the Head Teacher concerned who shall endeavour to trace the owner and return the money or property to him. If the owner cannot be traced, the money or other personal property involved shall be passed to the Accountant General for credit to Government revenue in all cases where the money or property was found on official premises by a teacher on duty or on premises not used by members of the public. In other cases where the owner cannot be traced the money or property shall be handed to the finder.

(2) In general the Government has no legal liability to compensate teachers for loss or damage to their personal property: as a rule there is no liability on the Government to prevent theft of a teacher's property or in respect of defective furniture or locks if the defect

is known to the teacher or obvious to him when exercising reasonable care. Officers therefore, introduce their personal property onto official premises at their own risk. No officer shall be entitled to claim compensation in respect of losses, or of damage to private property, incurred through fire, theft, riot, or otherwise in the course of his service but in special circumstances a grant of compensation may be made as an act of grace.

(3) Compensation for loss or damage to a teacher's private property arising through exceptional circumstances will be considered on the merits of each case by the Secretary to the Cabinet, but even if compensation is approved, it will, as a rule be given only in respect of articles actually and conventionally necessary at the place of the loss or damage when it occurred, and the amount of the grant in the case of loss will, as a rule, be limited to  $2\frac{1}{3}$  3rds of the replacement value of the articles immediately before the loss or damage.

(4) No compensation shall be granted in respect of loss or damage to a teacher's private property which, in the opinion of the Secretary to the Cabinet was due to negligence for which the teacher was responsible or which was, or could reasonably have been covered by insurance or by provision for free replacement.

(5) Government will award compensation for damage to the motor vehicle of a teacher which is damaged whilst being used with authority for official duties, as the direct result of civil disturbances.

(6) In order for any claim for compensation to be considered by the Secretary to the Cabinet, the Permanent Secretary

- a) must certify either from corroborative evidence or personal knowledge that he is satisfied that the loss or damage incurred in the execution of duty by the teacher concerned;
- b) must certify that reasonable precautions were taken by the teacher concerned to avoid such loss or damage;
- c) must in the case of a damaged article, which shall be produced by the teacher suffering the damage, inspect the article;
- d) must certify in each case that repair or replacement of the article is necessary and that the amount claimed is a fair valuation of the cost necessary either to repair the damage or to replace the article.

## **Conduct**

31. The public is entitled to demand of a teacher conduct of the highest standard. The standard required will generally be clear, although it is impossible in these Orders to prescribe it in detail in relation to all the many circumstances that may arise. The following Orders set out the general principles to be followed, without, in many cases, elaborating them into a general code.

### **Official Duties**

(1) The duty of a teacher shall include the diligent and efficient performance of the duties prescribed for the office to which he is appointed and any other duties which the Head Teacher may reasonably call upon him to perform.

### **Private Conduct**

(2) The high standard required of the public service goes beyond the normal standards of personal honesty and integrity. A teacher must not only be honest in fact but must also avoid laying himself open to suspicion of dishonesty.

(3) Although the Government is in general not concerned with its teachers' private activities they must not be such as might bring discredit on the teaching profession;

Teachers shall refrain from participation in betting on official premises, or any form of

speculation likely to bring discredit on them or their department.

(4) Any act by a teacher which may bring the teaching profession into disrepute shall be reported to the Permanent Secretary.

(5) A teacher who is arrested on any charge, whether civil or criminal, shall immediately take all reasonable steps to inform the Permanent Secretary of the fact. He shall similarly inform the Permanent Secretary if he is convicted by a Court of any criminal offence (except a traffic offence with a non-official vehicle for which the penalty has not included imprisonment or the suspension of his driving licence).

(6) The efficiency of a teacher shall be regarded as gravely impaired and the value of his services seriously diminished if he becomes financially embarrassed, unless it can be demonstrated that such embarrassment has been occasioned by unavoidable misfortune or other extenuating circumstance.

(7) A teacher who becomes so financially involved that he is unable to meet his obligations, or against whom proceedings have been started with a view to bankruptcy, or who has filed his petition in bankruptcy or entered into a composition with his creditors must as soon as possible inform the Permanent Secretary of the full facts of the case.

(8) Failure to supply promptly the information required under (7) shall render the teacher liable to summary dismissal.

(9) The Registrar of the Supreme Court shall report every case in which proceedings are taken against a teacher in bankruptcy and every case in which a teacher becomes a judgement debtor or has acknowledged any debt in writing, wherever it shall come to his knowledge, to the Permanent Secretary - provided that no judgement debtor need be reported unless seven days have elapsed after judgement and such judgement still remains unsatisfied.

(10) When any report about the financial embarrassment, insolvency or bankruptcy of a teacher is received by the Permanent Secretary from which it appears that public funds have been or may have been involved, the Permanent Secretary shall at once

a) refer the matter to the Secretary to the Cabinet who will at his discretion,

b) refer the matter to the Attorney General, the Auditor, the Accountant General and the appropriate disciplinary authority.

(11) When any report about the financial embarrassment, insolvency or bankruptcy of a teacher is received which does not appear to involve public funds the Permanent Secretary shall refer the matter with his recommendations to the appropriate disciplinary authority who shall consider what disciplinary action shall be taken against the teacher.

(12) In no circumstances shall a teacher who is insolvent or bankrupt be employed on duties which involve the handling of public money, irrespective of whether or not there is suspicion or evidence that public funds have been misappropriated in the case.

(13) Where permission is granted for a teacher to give an interview to the Press or to take part in a public broadcast the overriding concern of that teacher shall be in no circumstances to become publicly involved in any matter of political controversy. It will be obvious that he should not give interviews or take part in a broadcast discussion on the merits of a policy which is, or may become, a matter of controversy between the political parties. But even a factual statement on such a subject may be open to misconstruction and it is preferable that teachers should not give interviews or broadcast at all on subjects which are politically delicate. Public justification of Government policy is a function of Ministers of the Cabinet not of teachers.

(14) The considerations in (13) above need not prevent teachers from using the Press, radio or television as a means of disseminating factual information on educational activities which are of general public interest, for example information about services officially provided for the public and guidance in making use of them. Normally no difficulty will arise



over talks by teachers speaking on technical subjects which do not involve considerations of education policy. But on any matter of policy (even when the subject is not immediately in issue between the political parties) there is need for special caution, and the Permanent Secretary should be notified beforehand.

### **Participation in Politics.**

32. Teachers, being politically free, shall have unrestricted freedom to undertake in their private capacities, national and local political activities, provided that they shall undertake no form of political activity whilst on duty on school premises.

### **Discipline**

#### **33. Offences**

(1) A teacher shall be guilty of an offence against discipline

- a) if he fails to comply with the Education Rules or with any statute, regulation or order;
- b) if he without good and sufficient cause, fails to carry out any lawful order or instruction by his superior whether or not that order or instruction is in writing;
- c) if he is inefficient or neglectful or without good and sufficient cause, fails, promptly and diligently to do anything which it is his duty as a teacher;
- d) if he incites other teachers to act against the general interests of efficient performance of their duties, or to the prejudice of discipline and the proper administration of schools, provided that nothing in these Orders shall be construed to prevent a teacher carrying on normal trade union activity.

(2) Inefficiency cannot be established by a single act of incompetence. Its exact definition will vary with the facts of each case, but it usually consists of a series of acts of omission, incompetence, or misbehaviour or low productivity established over a reasonable period, which in themselves are not serious enough incidents to merit proceedings for misconduct, but the cumulative effect of which is to show that a teacher is not discharging effectively the duties of the office which he holds.

(3) A teacher who has been charged with a criminal offence may be guilty of misconduct. The procedure to be followed in respect of teachers charged with criminal offences is laid down in the Public Service Commission Regulations 1968. It is the duty of a teacher to report to the Permanent Secretary if he has been charged with any offence and the Permanent Secretary shall refer any such report to the appropriate disciplinary authority.

(4) The maintenance of good order, discipline and efficiency is a major responsibility of the Head Teacher, who has the power to initiate disciplinary proceedings against any teacher employed in his school.

### **Penalties**

(5) The treatment of offences, particularly of offences against good order and discipline which are not criminal offences, will be influenced both by the circumstances of the particular case, including the teacher's record. There is no rigid code automatically assigning particular penalties to particular offences. Minor offences will properly be dealt with by the Head Teacher on the spot by oral reprimand; frequent repetition of a minor offence or offences may become a serious matter and may call for a heavier penalty.

(6) The disciplinary penalties which may be ordered as a result of offences against discipline are:-

- a) formal reprimand in which the reprimand is conveyed to the teacher in writing and a copy placed on his personal file;
- b) deferment, stoppage or suspension of increment;
- c) monetary payment by way of restitution (in whole or in part) of loss or damage caused by offender;
- d) suspension with loss of pay;
- e) retirement in the public interest with full or abated pension;
- f) dismissal;
- g) dismissal, in relation to an offence involving loss to public funds, with the withholding, as a set-off against the loss, of any sums unpaid in respect of salary up to the date of dismissal.

(7) The withholding of an increment is not an appropriate penalty for a particular dereliction of duty where the teacher qualifies for an increment in other respects. For a particular shortcoming formal reprimand should be the usual award.

(8) Pending a decision as to suspension, a teacher may, if it is considered necessary in the public interest, be prohibited by the Permanent Secretary from carrying on his duties, but he may not be deprived of any portion of his emoluments.

(9) If disciplinary proceedings against a suspended teacher do not result in his dismissal or other punishment the whole of the emoluments withheld from him on suspension under Regulation 31 of the Public Service Commission Regulations, 1969, shall be restored to him when the final decision is made.

(10) If the punishment awarded against a suspended teacher is other than dismissal he may be refunded such proportion of the emoluments withheld from him as the appropriate disciplinary authority may think fit.

(11) The payment of allowances is conditional upon the efficient performance of duties, and in any case where no other disciplinary penalty is considered appropriate, allowances may be withheld or withdrawn from any teacher whose performance of his duties is found to be inefficient.

(12) A teacher who is retired in the public interest is eligible for such retirement benefits as may be permitted under the School Teachers' Superannuation Act.

(13) A teacher who absents himself from duty without permission or without reasonable cause renders himself liable to be dismissed. The onus will rest on him to show that the circumstances do not justify such action being taken. Where a teacher is absent from duty without leave or reasonable excuse for a period exceeding five working days and cannot be traced within a period of ten working days of commencement of such absence or if traced no reply is received from him to a charge of absence without leave within five working days after the despatch of the charge to him, he shall be dismissed.

(14) A teacher who is dismissed forfeits all rights to retirement benefits.

(15) If criminal proceedings are instituted against a teacher in any Court, proceedings for his dismissal upon any grounds involved in the criminal charge shall not be taken until the conclusion of the criminal proceedings and the determination of any appeal therefrom.

(16) A teacher acquitted of a criminal charge in any Court shall not be dismissed or otherwise punished on any charge upon which he has been acquitted, but nothing in these Orders shall prevent his being dismissed or otherwise punished on any other charge arising out of his conduct in the matter, unless the charges raise substantially the same issues of those on which he has been acquitted.

(17) In order to allow the services of a teacher to be dispensed with where dismissal is a

punishment out of proportion to an offence committed in private life teachers may be permitted to resign instead of being dismissed, provided that this concession shall be used only where the offence is of a private nature unconnected with the conduct of official business but involving circumstances which show the teachers to be unsuitable to retain his office.

#### Joint consultation

34. (1) Teachers are free to belong to any registered trade union which will admit them under its rules of membership. Teachers are encouraged to belong to a trade union, for the existence of fully representative bodies of this kind not only promotes good staff relations but is essential to effective negotiations on conditions of service.

(2) Recognition of a trade union for purposes of joint consultation and collective bargaining shall be granted and may be withdrawn at the discretion of the Cabinet. The recognised union shall have enough members in the grades or classes it claims to represent to enable it to enter into collective agreements on their behalf. The percentages which shall establish a claim to recognition or involve its withdrawal will depend upon the circumstances of the case; but where there are conflicting claims recognition will be accorded to the union which is found to have the largest number of employees in membership, this to be ascertained by secret ballot.

(3) Recognition shall give the trade union to which it applies the entitlement to be brought into consultation and into collective bargaining arrangements with the Government on proposals affecting the teachers for which recognition is granted and the entitlement to be party to any formal agreements affecting their conditions of service. It also involves the trade union in responsibilities to the extent to which, in the exercise of these entitlements, it makes itself a party to agreements and undertakings.

(4) Any correspondence received by the Permanent Secretary from unrecognised unions shall be passed, and any contact with such unions shall be reported, to the Secretary to the Cabinet. The Permanent Secretary shall not enter into argument, explanation or justification with an unrecognised union on any matter which is the subject of an agreement or negotiation or representation with or by a recognised union.

